

REMARKS

Claims 1-8, all the claims pending in the application, are rejected. Claims 1, 2, 5, 6, & 8 are amended. New claims 9 and 10 have been added. Applicant respectfully submits that the invention as now claimed clearly defines over the prior art and is patentable.

Information Disclosure Statement

The references disclosed in the information disclosure statement have not yet been considered. The Examiner argues that the information disclosure statement fails to comply with 37 C.F.R. § 1.98(a)(3)(i) because it did not include a concise explanation of the relevance of each foreign-language reference by the individual designated as most knowledgeable about its content. Applicant requests reconsideration of the Examiner's position.

In the information disclosure statement filed on October 28, 2002, Applicant **enclosed a copy** of a communication from a foreign patent office in a counterpart application citing the foreign language documents, together with an English-language version of that portion of the communication indicating the degree of relevance found by the foreign patent office.

This disclosure should be sufficient to satisfy the requirements of § 1.98(a)(3)(i), as explained in the M.P.E.P.:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

M.P.E.P. § 609(III)(A)(3) (emphasis added).

On the basis of this argument, the Examiner's objection should be withdrawn and the references considered.

Claim Rejections - 35 U.S.C. § 112

Claims 5 and 7-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed for at least the following reasons.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/772,980

The Examiner identifies several phrases that appear to be objectionable for lack of antecedent basis. Applicant has amended the claims in a manner that should remove this basis for rejection.

Claim 5

Claim 5 has been amended to remove the limitation regarding the location of the billing unit proximate to the monitor. That limitation is added to claim 1, which also recites that the user provides the basis for payment of the use charge to the billing unit. The recitation of a prepaid card is consistent with payment at the billing unit by such card.

Claim 7

The Examiner's rejection of claim 7 is not understood since the claim does provide antecedent basis for the terms found objectionable by the Examiner. The claims are clear and definite. Applicant requests that this rejection be withdrawn.

Claim 8

Claim 8 has been amended to remove the limitation regarding the location of the billing unit together with the monitor. That limitation is in claim 1, which also recites that the user provides the basis for payment of the use charge to the billing unit. The recitation of a cash payment is consistent with payment at the billing unit by cash.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, and 6 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent 5,956,697 to Usui ("Usui"). This rejection is traversed for at least the following reasons:

Claim 1

The invention as originally defined by claim 1 was directed to an automated billing type information providing system with a monitor, signal receiving unit, and billing unit, wherein a user pays a use charge calculated by the billing unit in order to view the Internet on the monitor. Although the description of the preferred embodiment is significantly different from the system disclosed in Usui, the Examiner has argued that all elements of claim 1 as currently written are disclosed by Usui.

The Examiner asserts that Usui, which was cited by the Applicant in an IDS, discloses a monitor and signal receiving unit in its depiction of a “Personal Computer” connected to the internet. (Usui at Fig. 2.) The Examiner also asserts that Usui discloses a billing unit in its depiction of a “fee-charging server” (Usui at Fig. 2), which is described as “calculating access charges according to the amount of access time each client used.” (Usui at col. 2 l. 62 - col. 3 l. 7.)

Signal Receiving Unit

Regarding the claimed “signal receiving unit,” it is clear from the Applicant’s description of the preferred embodiment that this element refers to a unit capable of receiving video signals, such as are used in satellite television broadcasts intended primarily for viewing on televisions, whether digital or analog in nature.

By contrast, the “Personal Computer” disclosed in Usui and cited by the Examiner does not disclose the capability to receive video signals of this nature, nor is such a function contemplated anywhere in the Usui reference. Furthermore, Applicant’s Fig. 2 clearly shows that the preferred embodiment of the present invention contemplates a signal receiving unit for receiving television video signals broadcast via a satellite television broadcast system. Although claim 1 is not limited to the preferred embodiment, the meaning of “signal receiving unit” in claim 1 should be understood in light of the specification to be distinguishable from the generic “Personal Computer” of Usui.

Since Usui fails to provide the ability to view video signals, such as are contemplated in Applicant’s specification, the “Personal Computer” disclosed in Usui is substantially different from the signal receiving unit according to claim 1.

Billing Unit

Regarding the billing unit, although the Examiner argues that the Usui fee-charging server teaches the billing unit of claim 1, Usui is distinguishable for the following reasons:

Firstly, the billing unit in claim 1 is described as “a billing unit for integrating Internet use time . . . and calculating a use charge based on a result of this integration.” This ‘integration’ is described in the preferred embodiment as “add[ing] up the charges corresponding to how long and what the monitor 10 has been used for . . .” This language suggests that the billing unit of

claim 1 calculates the charge to the user based on at least a combination of (1) the length of time the system is used, and (2) whether the system is used to access the Internet or to view video.

Secondly, in order to measure both Internet use time and video viewing time, the billing unit must be proximate to the monitor and signal receiving unit, as now expressly stated in the claims. In contrast, the “fee-charging server” of Usui is disclosed as a remote server that is not located proximate to the “Personal Computer.” Therefore, Usui’s server would not be capable of measuring video viewing time without additional elements not disclosed in Usui.

Since Usui (1) fails to teach a billing unit proximate to a monitor and signal receiving unit with the ability to determine video display time, and (2) fails to teach a billing calculation that takes into account uses of the system other than Internet use, the Usui system with a fee-charging server is substantially different from the billing unit of claim 1.

Thus, Applicant respectfully submits that Usui fails to teach either the signal receiving unit or the billing unit of claim 1, as now amended consistent with these arguments. On the foregoing bases, the rejection of claim 1 should be overcome.

Claim 2

Applicant has replaced the term “line” with the term “link.” Otherwise, the patentability of this claim would rely on its dependence from claim 1.

Claim 6

Again, Applicant has replaced the term “line” with the term “link.” Otherwise, the patentability of this claim would rely on its dependence from claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 3-5 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Usui (5,956,697). This rejection is traversed for at least the following reasons.

The patentability of these claims is taken from their dependence on claim 1, which is patentable. None of the features recited in claim 1 would be obvious from the teachings of Usui, as the use of a signal receiving unit, and a billing unit that is proximate to the monitor and signal receiving unit, would not be obvious.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/772,980

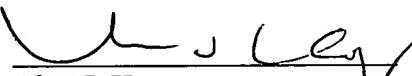
Clarifying Claim Amendments

Applicant notes that the original claims contain features, such as a monitor and signal receiving unit, as well as a billing unit. Thus, the aspect of Applicant's invention in claim 1 actually involves a system that includes a billing unit. The claim has been amended to more precisely reflect such subject matter. New claims 9 and 10 have been added that focuses on the billing unit itself.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

Date: June 2, 2005